

**MEDICAL EXAMINING BOARD
MINUTES
APRIL 18, 2012**

PRESENT: Carolyn Bronston; LaMarr Franklin; Jude Genereaux; Sujatha Kailas, MD; Raymond Mager, DO; Suresh Misra, MD; Gene Musser, MD; Sandra Osborn, MD; Kenneth Simons, MD; Timothy Swan, MD; Sridhar Vasudevan, MD; Sheldon Wasserman, MD (arrived at 8:30 a.m.)

EXCUSED: Rodney Erickson, MD

STAFF: Tom Ryan, Executive Director; Sandy Nowack, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPS staff

GUESTS: Mark Grapentine, Wisconsin Medical Society; Eric Jensen, WI Society of Anesthesiologists; Jeremy Levin, RWHC; Judy Warmuth, WHA; Tim Stumm, WHN; Scott Becher, Becher Group; David Wahlberg, WI State Journal

CALL TO ORDER

Dr. Gene Musser, Vice Chair, called the meeting to order at 8:00 a.m. A quorum of eleven (11) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Under PRESENTATION OF PROPOSED STIPULATIONS..., add:
 - h. Penny Cornelius, PA – 11 MED 123
 - Attorney Kim Kluck
 - Case Advisor – Christopher Magiera
 - i. Donald J. Baccus, MD – 10 MED 254
 - Attorney Arthur Thexton
 - Case Advisor – Sandra Osborn
- Under PRESENTATION OF PROPOSED SUMMARY SUSPENSIONS, add:
APPEARANCES – 8:15 A.M. – DOE Attorney Kim Kluck, Attorney Mark Budzinski and Terrance Moe, MD
 - a. Terrance Moe, MD – 08MED 323, 10 MED 430, 10 MED 431 (**Red Folder**)
 - Attorney Kim Kluck
 - Case Advisor – Sheldon Wasserman

APPEARANCES – 8:30 A.M. – DOE Attorney Arthur Thexton and James D. Hanna, MD

- b. James D. Hanna, MD – 12 MED 136 (**Red Folder**)
 - Attorney Arthur Thexton
 - Case Advisor – Raymond Mager

- Add in open session, APPEARANCE IN CONSIDERATION OF PETITION FOR REMOVAL OF INTERIM ORDER FROM THE NPDB – VICTORIA MONDLOCH:
- Item 9h – under PRACTICE QUESTIONS/FAQ’s, add:
 - 1. PGY-1 Resident Prescribing
- Item 14 – OTHER BUSINESS, add:
 - a. Letter from Dr. Wasserman to DHHS Secretary Kathleen Sebelius Regarding Licensing Fees
- Item CS-3, DELIBERATION OF STIPULATIONS..., add:
 - h. Penny Cornelius, PA – 11 MED 123
 - Attorney Kim Kluck
 - j. Donald J. Baccus, MD – 10 MED 254
 - Attorney Arthur Thexton
- Item CS-3(1) – DELIBERATION OF PROPOSED SUMMARY SUSPENSIONS, add:
 - a. Terrance Moe, MD – 08MED 323, 10 MED 430, 10 MED 431
 - Attorney Kim Kluck
 - b. James D. Hanna, MD – 12 MED 136
 - Attorney Arthur Thexton
- Item CS-4(1) – CONSIDERTION OF COMPLAINTS, add:
 - a. 11 MED 123 (P.L.A., MD)
 - b. 12 MED 002 (R.L.P., MD)
 - c. 12 MED 136 (J.D.H., MD)
- Item K (closed session) – MOTIONS, add: Deliberation of Petition for Removal of Interim Order from the National Practitioners Data Bank in the Matter of Victoria J. Mondloch, MD
- Case Status Report – insert at the end of the agenda in closed session

MOTION: Kenneth Simons moved, seconded by Carolyn Bronston, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MARCH 21, 2012

MOTION: Kenneth Simons moved, seconded by LaMarr Franklin, to approve the minutes of March 21, 2012 as written. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

DOE Attorneys presented Proposed Stipulations, Final Decisions and Orders in the following disciplinary proceedings:

David D. Kim, MD	09 MED 122
William G. Sybesma, MD	09 MED 249
Karen L. Butler, MD	11 MED 117
Michael West, MD	10 MED 147

Syed G. Mohiuddin, MD	10 MED 425
Susan A. Watson, MD	11 MED 096
Michael T. Plante, MD	11 MED 328
Penny Cornelius, PA	11 MED 123
Karen Butler, MD	11 MED 117
Donald J. Baccus, MD	10 MED 254

These items will be deliberated in closed session.

PRESENTATION OF PROPOSED SUMMARY SUSPENSIONS

DOE Attorney Kim Kluck and respondent's Attorney Mark Budzinski appeared before the Board regarding the proposed Summary Suspension of the license of **Terrance Moe, MD**, in **cases 08 MED 323, 10 MED 430 and 10 MED 431**. This matter will be deliberated in closed session.

DOE Attorney Arthur Thexton appeared before the Board regarding the proposed Summary Suspension of the license of **James D. Hanna, MD**, in **case 12 MED 136**. This matter will be deliberated in closed session. Legal Counsel Sandy Nowack was excused during the presentation. Colleen Baird stepped in as legal counsel for this matter.

APPEARANCE IN CONSIDERATION OF PETITION FOR REMOVAL OF INTERIM ORDER FROM THE NPDB

Attorney Mary Lee Ratzel appeared on behalf of **Victoria J. Mondloch, MD (09 MED 258, 10 MED 363)**, to petition for removal of an Interim Order from the National Practitioners Data Bank. This matter will be deliberated in closed session. Sheldon Wasserman was excused during the presentation. Gene Musser chaired the meeting in Dr. Wasserman's absence.

EXECUTIVE DIRECTOR MATTERS

Medical Board Annual Report

The Board reviewed the Annual Report and made changes.

MOTION: Sujatha Kailas moved, seconded by LaMarr Franklin, to approve the Annual Report with the changes as discussed and to authorize Sheldon Wasserman to review the redrafted Annual Report and approve it for publication to the DSPS website. Motion carried unanimously.

ITEMS FOR BOARD DISCUSSION

Prescription Drug Monitoring Program (PDMP) Report

Tom Ryan updated the Board on the progress of the PDMP.

Maintenance of Licensure and FSMB Matters

The FSMB Annual Meeting is next week, April 26-28, 2011, in Fort Worth, Texas. Sheldon Wasserman will attend as the Board's delegate. LaMarr Franklin received a FSMB public

member scholarship for this meeting and Kenneth Simons will attend the MOL workshop. Attendees will give a report to the Board at the May meeting

Review of Wis. Admin. Code Med 8

Gene Musser reported there was a teleconference to further discuss Med 8. The workgroup continues to work on this rule.

Wis Admin. Code Chapter MED 10 Update

Sandy Nowack reported to the Board on the current status of MED 10. Sheldon Wasserman raised a concern with social media networks and inappropriate postings by medical personnel and students.

Medical Examining Board Newsletter

Topics for the next Newsletter should be submitted by the end of May. Sandra Osborn drafted an article regarding retired physicians and licensure.

Upcoming Outreach Opportunities

Gene Musser has been invited to give a presentation at the Wisconsin Hospital Association's annual Wisconsin Rural Health Conference at the Osthoff Resort in Elkhart Lake on June 28, 2012.

MOTION: Kenneth Simons moved, seconded by Sujatha Kailas, to authorize Gene Musser to give a presentation to the Wisconsin Hospital Association's Rural Health Conference on June 28, 2012. Motion carried unanimously.

Sandra Osborn gave a presentation to the Patient, Doctor and Society class at the U.W. School of Medicine on March 27, 2012.

Practice Questions/FAQ's

- PGY-1 Resident Prescribing
The Board reviewed the document drafted by legal counsel regarding the legal status of PGY-1 resident prescribing in Wisconsin.

LEGISLATIVE REPORT

Sandy Nowack and Gene Musser reviewed the legislation signed into law with the Board. The rule-making process needs to be initiated.

MOTION: Carolyn Bronston moved, seconded by Gene Musser, to ask the Department of Safety and Professional Services to begin the rules process as relates to Wisconsin Act 159. Motion carried unanimously.

MOTION: Gene Musser moved, seconded by Jude Genereaux, to ask the Department of Safety and Professional Service to begin the rules process as relates to Wisconsin Act 160. Motion failed.

The Board determined that no further action was needed regarding Act 160 at this time.

Sandy Nowack reviewed Wisconsin Act 161 with the Board. No Board action was taken at this time. Ms. Nowack will report back to the Board at the next meeting.

The Board reviewed 2011 Wisconsin Act (AB 259) to amend 119.04(1) and to create 118.293 of the statutes relating to concussions and other head injuries in youth athletic activities. No Board action was taken.

MOTION: Sridhar Vasudevan moved, seconded by Sandra Osborn, to ask the Department of Safety and Professional Services to begin the rules process as relates to Wisconsin Act 32 and respiratory care practitioners. Motion carried unanimously.

SCREENING PANEL REPORT

Jude Genereaux reported sixty five (65) cases were screened. Twenty two (22) cases were opened and four (4) ten-day letters were sent.

Sheldon Wasserman and Jeanette Lytle discussed a pilot study to send complaints regarding medical specialties to the corresponding Board member specialist. The Board member would review the information and make a recommendation to the screening panel. The Board members and Ms. Lytle expressed concerns regarding possible delays in case reviews. Dr. Wasserman would like to proceed with the pilot project.

INFORMATIONAL ITEMS

The informational items were noted.

PUBLIC COMMENTS

None.

OTHER BUSINESS

The Board reviewed and edited the letter from Sheldon Wasserman to DHHS Secretary Kathleen Sebelius.

RECESS TO CLOSED SESSION

MOTION: Kenneth Simons moved, seconded by Sandra Osborn, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call: Carolyn

Bronston-yes; LaMarr Franklin-yes; Jude Genereaux-yes; Sujatha Kailas-yes; Raymond Mager-yes; Suresh Misra-yes; Gene Musser-yes; Sandra Osborn-yes; Kenneth Simons-yes; Timothy Swan-yes; Sridhar Vasudevan-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open session recessed at 11:11 a.m.

RECONVENE IN OPEN SESSION

MOTION: Kenneth Simons moved, seconded by LaMarr Franklin, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 1:32 p.m.

ITEMS VOTED ON DURING CLOSED SESSION

FULL BOARD ORAL EXAMINATION

MOTION: Sridhar Vasudevan moved, seconded by Sandra Osborn, to deny the application for licensure to **Abedulnaasser Mohammedlamien, MD**, as he has not satisfied the Board that he meets the requirements for licensure. Motion carried. Sujatha Kailas opposed.

ORAL INTERVIEW FOR VISITING PROFESSOR LICENSE

MOTION: Suresh Misra moved, seconded by Sujatha Kailas, to grant a visiting professor license to **Aeyal Raz, MD**, when all requirements are met. Motion carried. Kenneth Simons and Sridhar Vasudevan opposed.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Raymond Mager moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **David D. Kim, MD (09 MED 122)**. Motion carried. Gene Musser and Kenneth Simons abstained.

MOTION: Gene Musser moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **William G. Sybesma, MD (09 MED 249)**. Motion carried. Sujatha Kailas was excused during deliberation and abstained from voting.

MOTION: Jude Genereaux moved, seconded by Raymond Mager, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Karen L. Butler, MD (11 MED 117)**. Motion carried. Kenneth Simons opposed and LaMarr Franklin abstained.

- MOTION:** Suresh Misra moved, seconded by Carolyn Bronston, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Michael West, MD (10 MED 147)**. Motion carried unanimously.
- MOTION:** Suresh Misra moved, seconded by Sujatha Kailas, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Syed G. Mohiuddin, MD (10 MED 425)**. Motion carried unanimously.
- MOTION:** Sujatha Kailas moved, seconded by Carolyn Bronston, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Susan A. Watson, MD (11 MED 096)**. Motion carried. Kenneth Simons abstained.
- MOTION:** Suresh Misra moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Michael T. Plante, MD (11 MED 328)**. Motion carried unanimously.
- MOTION:** Sujatha Kailas moved, seconded by Raymond Mager, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Penny Cornelius, PA (11 MED 123)**. Motion carried. Sridhar Vasudevan opposed.
- MOTION:** Kenneth Simons moved, seconded by LaMarr Franklin, to reject the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Donald J. Baccus, MD (10 MED 254)**. Motion carried. Raymond Mager and Gene Musser abstained.

PROPOSED PETITIONS FOR SUMMARY SUSPENSION

- MOTION:** Sridhar Vasudevan moved, seconded by Jude Genereaux, to adopt the Petition for Summary Suspension in the disciplinary proceedings against **Terrance Moe, MD (08 MED 323, 10 MED 430, 10 MED 431)**. Motion carried unanimously.
- MOTION:** Gene Musser moved, seconded by Sujatha Kailas to adopt the Petition for Summary Suspension in the disciplinary proceedings against **James D. Hanna, MD (12 MED 136)**. Motion carried. Raymond Mager and Sandra Osborn were excused during deliberation and abstained from voting. Legal Counsel Sandy Nowack was excused during deliberation and Attorney Colleen Baird stepped in as Legal Counsel.

PROPOSED ADMINISTRATIVE WARNING(S)

MOTION: Carolyn Bronston moved, seconded by Suresh Misra, to issue the Administrative Warning in case **11 MED 247** against respondent **J.L.K., DO**. Motion carried unanimously.

CONSIDERATION OF COMPLAINT(S)

MOTION: Sujatha Kailas moved, seconded by Suresh Misra, to find probable cause to issue a complaint in the matter of **11 MED 123**. Motion carried unanimously.

MOTION: Carolyn Bronston moved, seconded by Raymond Mager, to find probable cause to issue a complaint in the matter of **12 MED 002**. Motion carried unanimously.

MOTION: Gene Musser moved, seconded by Sujatha Kailas, to find probable cause to issue a complaint in the matter of **12 MED 136**. Motion carried. Raymond Mager and Sandra Osborn were excused during deliberation and abstained from voting.

MONITORING

MOTION: Sujatha Kailas moved, seconded by Gene Musser, to grant the request from **Joel Jacobson, MD**, for termination of the therapy requirement and to deny the request for a reduction in drug screens. Motion carried. Timothy Swan opposed.

PETITION FOR REMOVAL OF INTERIM ORDER FROM THE NPDB

MOTION: Kenneth Simons moved, seconded by Suresh Misra, to reject the Petition for removal on the Interim Order from the National Practitioners Data Bank in the disciplinary proceedings against **Victoria J. Mondloch, MD (09 MED 258, 10 MED 363)**. Motion carried. Sheldon Wasserman was excused during deliberation and abstained from voting. Gene Musser was Acting Chair for this matter.

CASE CLOSINGS

MOTION: Carolyn Bronston moved, seconded by LaMarr Franklin, to close case **11 MED 261** for no violation. Motion carried unanimously.

MOTION: Raymond Mager moved, seconded by Suresh Misra, to close case **11 MED 256** for no violation. Motion carried unanimously.

MOTION: Carolyn Bronston, moved, seconded Suresh Misra, to close case **10 MED 188** for no violation. Motion carried unanimously.

RATIFY ALL LICENSES AND CERTIFICATES

MOTION: Gene Musser moved, seconded by Suresh Misra, to ratify all licenses and certificates as issued. Motion carried unanimously.

OTHER BUSINESS

The Board reviewed the re-drafted letter from Sheldon Wasserman to DHHS Secretary Kathleen Sebelius.

MOTION: Timothy Swan moved, seconded by LaMarr Franklin, to approve the re-drafted letter to DHHS Secretary Kathleen Sebelius. Motion carried. Sridhar Vasudevan opposed.

MOTION: Suresh Misra moved, seconded by LaMarr Franklin, to approve Sridhar Vasudevan to work with Sandy Nowack and Arthur Thexton to develop proposed guidelines for opiod prescribing and to bring the proposal to a future Board meeting for review. Motion carried unanimously.

ADJOURNMENT

MOTION: Gene Musser moved, seconded by Sandra Osborn to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:44 p.m.